**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.2862 OF 2007**

Harshchandra Gurav ...Petitioner

Versus

Sulochana Gurav & Ors. ...Respondents

Shri K.S.Patil for the Petitioner.
Shri Suresh Gole for the Respondent No.1.

**CORAM : ABHAY S.OKA, J.**
**DATED : JUNE 16, 2007.**

**P.C.:**

1. Heard Advocates appearing for the parties. The first Respondent is the contesting Respondent. The challenge in this Writ Petition under Article 227 of the Constitution of India is to the order dated 24th March, 2007 passed by the learned trial Judge in a pending notice of motion. The main grievance of the Petitioner is that the said order dated 24th March 2007 was passed on the basis of a note filed for taking the suit on board and no notice was served to the Petitioner. When the Petitioner moved a notice of motion for setting aside the said order, by order dated 4th April 2004, leave to register the notice of motion was refused.

2. After having heard the Advocates appearing for the parties, I find that there is merit in the grievance made by the Petitioner. The notice of motion is still pending. The order impugned has not been acted upon in

view of the ad-interim order passed by this Court. Interests of justice will be served if notice of motion is itself directed to be disposed of within time bound schedule. In the meanwhile, parties can be directed to maintain status-quo as of today in respect of the suit property in dispute.

3. Hence, I pass the following order:

(i) The impugned order dated 24th March, 2007 is quashed and set aside.

(ii) The Notice of Motion No.3560 of 2006 and all other connected Notices of Motion in the same suit shall be taken up by the learned Judge for hearing and the same shall be disposed of as far as possible within a period of six weeks from the date of production of an authenticated copy of this order before the trial court. Till the disposal of the Notices of Motion, the Petitioner and the first Respondent will maintain status-quo as of today in respect of disputed property.

(iii) All contentions of the parties in the pending suit and Notices of Motion are expressly kept

open.

**JUDGE**